

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Dane Buchanan	Team: Team # 2	CCRB Case #: 201101908	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/12/2011 3:00 PM	Location of Incident: § 87(2)(b)	Precinct: 47	18 Mo. SOL 8/12/2012	EO SOL 8/12/2012	
Date/Time CV Reported Mon, 02/14/2011 4:07 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/14/2011 4:07 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Aaron Edwards	01791	932593	NARCB BX
2. DT3 Jose Vargas	06747	923299	NARCB BX
3. DT3 Tanya Venero	07742	899953	NARCB BX
4. DT3 John Lindsey	04343	920507	NARCB BX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Andrew Rodriguez	02878	937401	NARCB BX
2. DT3 George Wan	07292	919848	NARCB BX
3. DT3 Kenneth Tucker	07980	923275	NARCB BX
4. POM Adriano Contreras	13838	934681	NARCB BX

Officer(s)	Allegation	Investigator Recommendation
A.SGT Aaron Edwards	Abuse: Sergeant Aaron Edwards supervised the questioning of § 87(2)(b) at § 87(2)(b) in the Bronx.	
B.SGT Aaron Edwards	Discourtesy: Sergeant Aaron Edwards spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.	
C.SGT Aaron Edwards	Force: Sergeant Aaron Edwards struck § 87(2)(b) with a radio at § 87(2)(b) in the Bronx.	
D.SGT Aaron Edwards	Off. Language: Sergeant Aaron Edwards made remarks to § 87(2)(b) based upon race at § 87(2)(b) in the Bronx.	
E.DT3 John Lindsey	Force: Detective John Lindsey used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.	
F.DT3 Jose Vargas	Force: Detective Jose Vargas used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.	
G.DT3 John Lindsey	Discourtesy: Detective John Lindsey spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.	
H.DT3 Tanya Venero	Discourtesy: Detective Tanya Venero spoke obscenely to § 87(2)(b) en route to the 47th Precinct Stationhouse and at the 47th Precinct Stationhouse.	

## Case Summary

§ 87(2)(b) called the CCRB on February 14, 2011 to file the following complaint (encl. 3A – 3B).

On February 12, 2011 at approximately 3:00 p.m., § 87(2)(b) was arrested by Detective Jose Vargas of Narcotics Borough Bronx at § 87(2)(b) in the Bronx for § 87(2)(b). The following allegations resulted:

- **Allegation A – Abuse of Authority:** Sergeant Aaron Edwards supervised the questioning of § 87(2)(b) at § 87(2)(b) in the Bronx. § 87(2)(g)
- **Allegation B – Discourtesy:** Sergeant Aaron Edwards spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.
- **Allegation C – Force:** Sergeant Aaron Edwards struck § 87(2)(b) with a radio at § 87(2)(b) in the Bronx.
- **Allegation D – Offensive Language:** Sergeant Aaron Edwards made remarks to § 87(2)(b) based upon race at § 87(2)(b) in the Bronx.
- **Allegation E – Force:** Detective John Lindsey used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.
- **Allegation F – Force:** Detective Jose Vargas used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.
- **Allegation G – Discourtesy:** Detective John Lindsey spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx. § 87(2)(g)
- **Allegation H – Discourtesy:** Detective Tanya Venero spoke obscenely rudely to § 87(2)(b) en route to the 47th Precinct Stationhouse and at the 47th Precinct Stationhouse. § 87(2)(g)

## Results of Investigation

### Civilian Statement(s)

#### Complainant/Victim: § 87(2)(b)

*He is a black male who was § 87(2)(b) old at the time of the incident. He is 5'7" tall, weighs 150 pounds and has black hair and brown eyes.*

### CCRB Testimony

§ 87(2)(b) provided a telephone statement when he filed his complaint on February 14, 2011. He provided another telephone statement on February 18, 2011 (encl. 4A). § 87(2)(b) was interviewed at the CCRB on March 28, 2011 (encl. 4B – 4E). § 87(2)(g)

On February 12, 2011 at approximately 3:00 p.m., § 87(2)(b) was walking to his friend's apartment at § 87(2)(b) when he noticed two officers, identified through investigation as Detective George Wan and Detective Tanya Venero of Narcotics Borough

Bronx, following him in their unmarked van. § 87(2)(b) spoke to his friend on the phone and smoked a cigarette while walking to the building. § 87(2)(b) had keys to the building and went straight into § 87(2)(b). In his telephone statement on February 18, 2011, § 87(2)(b) indicated that he was waiting in front of the building because his friend was not home and that once he saw the narcotics van pull up he entered the building.

As he walked to the elevator, Detective Wan and Detective Venero knocked on the door along with two other officers, one of whom was identified by § 87(2)(b) by name as Sergeant Aaron Edwards of Narcotics Borough Bronx. Although § 87(2)(b) identified the other officer as “A-rod,” the investigation determined that this officer was Detective Jose Vargas of Narcotics Borough Bronx. The officers asked him through the door what he was doing there and § 87(2)(b) told them that it was his business and he was visiting a friend. He told them that his friend lived on the fourth floor even though he actually lives on the fifth floor. The officers asked him if he could take him to his friend’s apartment but § 87(2)(b) lied to them and pretended that his friend was not home but would be home in 30 minutes. The officers accused § 87(2)(b) of trespassing. When § 87(2)(b) finally opened the door for the officers, Sergeant Edwards and Detective Wan pushed him against the wall of the lobby and told him to relax. § 87(2)(b) told them they were out of line and admitted to yelling at them, saying that he did so because he wanted to be heard.

Sergeant Edwards then searched § 87(2)(b) recovering an empty pack of cigarettes with a controlled substance in it. Sergeant Edwards also found a concealed razor that § 87(2)(b) had on his person and called him a “sick son of a bitch.” § 87(2)(b) did not allege any discourtesies in his two telephone statements. While making a call for additional units on his radio, Sergeant Edwards told § 87(2)(b) to stop talking and then hit him on the right side of his face with the radio. § 87(2)(b) did not make this allegation in his telephone statement on February 14, 2011. Sergeant Edwards also told § 87(2)(b) to “shut the fuck up” several times and also told him, “You don’t have me nigger, I have you.” In his telephone statement on February 14, 2011, § 87(2)(b) had indicated that Sergeant Edwards had called him a “smart ass nigger.”

When more officers arrived, Detective Vargas searched § 87(2)(b) again and cut himself on a razor that § 87(2)(b) had sewn into his pocket to ward off pick-pocketers. § 87(2)(b) burst out laughing and then Detective Vargas held § 87(2)(b) up with his forearm while an officer, identified through investigation as Detective John Lindsey of Narcotics Borough Bronx, punched § 87(2)(b) once in the stomach. § 87(2)(b) did not make this allegation during his telephone statement on February 14, 2011. In his telephone statement on February 18, 2011, § 87(2)(b) indicated that it was Detective Vargas who had punched him in the stomach. § 87(2)(b) told Detective Lindsey that he was out of line and would bring him up on departmental charges and Detective Lindsey told him to shut the “fuck” up. The officers handcuffed § 87(2)(b) and when he complained that they had assaulted a disabled man and had no reason to stop him Sergeant Edwards told him not to tell him how to do his “fucking” job. § 87(2)(b) told Detective Wan that he was registered with the department regarding several investigations and Sergeant Edwards responded that he did not give a “shit.” When § 87(2)(b) told Sergeant Edwards that he was going to lose vacation days over this, Sergeant Edwards told him “fuck you” and that he was “too fucking smart.”

§ 87(2)(b) had trouble getting into the prisoner van due to injuries he had sustained from when he was struck by a car 7 – 8 months prior to the incident. Detective Vargas pushed him into the back of the van, causing § 87(2)(b) to fall onto his side. § 87(2)(b) did not make this allegation in either of his telephone statements. Detective Wan and Detective Venero drove him to the precinct. When he was in the vehicle he asked them what he was being charged with and Detective Venero told him to shut the fuck up. While at the precinct, § 87(2)(b) was telling Detective Venero that she should get a different job and she told him to “shut the fuck up.” Sergeant Edwards overheard this and told § 87(2)(b) to mind his business and not tell them how

to do their job. § 87(2)(b) indicated that he did not really have any injuries; nothing was broken and he did not seek medical treatment.

#### **NYPD Statement(s):**

##### **Subject Officer: SERGEANT AARON EDWARDS**

- *He is a black male who was § 87(2)(b) old at the time of the incident. He is 5'10" tall, weighs 185 pounds and has black hair and brown eyes.*
- *He is assigned to Bronx Narcotics. On February 12, 2011, he worked, in plainclothes, from 10:00 a.m. until 6:35 p.m. He was assigned to narcotics enforcement and worked with Detective Vargas in an unmarked black minivan.*

##### **Memo Book**

At 3:25 p.m. he had an arrest at § 87(2)(b) (encl. 5A – 5B).

##### **CCRB Testimony**

Sergeant Aaron Edwards was interviewed at the CCRB on April 14, 2011 (encl. 5C – 5D). On February 12, 2011 at approximately 3:25 p.m., Sergeant Edwards and Detective Vargas were in their vehicle at the corner of Holland Avenue and Burke Avenue when they observed a male, § 87(2)(b) acting suspiciously in front of § 87(2)(b). § 87(2)(b) was walking on the sidewalk and was pacing from in front of the building to halfway down the block and back. § 87(2)(b) was also watching people going in and out of the building and was looking at the cars that passed. Sergeant Edwards indicated that he was “almost acting in the manner of being a lookout.” Sergeant Edwards and Detective Vargas observed him for a minute or two before driving towards the building. Once § 87(2)(b) saw the officers’ vehicle and made eye contact with them, he walked quickly into the building. § 87(2)(b) did not have any problems getting into the building. Sergeant Edwards and Detective Vargas stopped their vehicle and entered the building to stop § 87(2)(b) under suspicion of trespassing.

Sergeant Edwards and Detective Vargas stopped § 87(2)(b) in the lobby. Sergeant Edwards did not recall if other officers were with them. The officers asked § 87(2)(b) if he lived in the building and what his business was there. § 87(2)(b) was cooperative and answered the officers’ questions, telling them that he did not live the building. However, § 87(2)(b) could not provide a reason for being in the building and the officers placed him under arrest for trespassing. § 87(2)(b) was handcuffed without any problems. Detective Vargas searched § 87(2)(b) incident to the arrest and found a controlled substance on § 87(2)(b). Sergeant Edwards could not recall if razor blades were found on § 87(2)(b) or if any officer cut themselves while searching him. Sergeant Edwards did not recall pushing § 87(2)(b) against a wall and never told him he was a real sick “son of a bitch.”

Sergeant Edwards called for additional units only to get the prisoner van to the location. He either would have used a cell phone or a department radio to do so, although he could not specifically recall on that day what he used. He never hit § 87(2)(b) in the face with a radio. Neither Sergeant Edwards nor any other officer ever told § 87(2)(b) to shut the fuck up. Sergeant Edwards never told § 87(2)(b) “You don’t have me nigger, I have you.” No officer ever held him while another officer punched him in the stomach. § 87(2)(b) was talkative during the incident but Sergeant Edwards could not recall what he was saying. Sergeant Edwards never told § 87(2)(b) not to tell him how to do his “fucking” job. Sergeant Edwards indicated that Detective

Rodriguez was not at the scene and that although he also works for Bronx Narcotics, he is not on Sergeant Edwards's team.

After § 87(2)(b) was searched he was placed in the prisoner van. There were no issues with him getting into the van and he was never pushed into the van. § 87(2)(b) was still talkative at the precinct. Sergeant Edwards did not recall § 87(2)(b) telling another officer that she should get a job somewhere else or any officer using profanity against him. Sergeant Edwards did not recall § 87(2)(b) ever complaining about any injuries.

**Subject Officer: DETECTIVE JOSE VARGAS**

- *He is a Hispanic male who was § 87(2)(b) old at the time of the incident. He is 5'10" tall, weighs 195 pounds, has black hair and brown eyes and a mustache.*
- *He is assigned to Bronx Narcotics. On February 12, 2011, he worked, in plainclothes, from 9:27 a.m. until 6:00 p.m. He was assigned as the arresting officer and worked with Sergeant Edwards in an unmarked dark blue dodge caravan.*

**Memo Book**

At 3:25 p.m. he had an arrest inside of § 87(2)(b) (encl. 7A – 7B).

**Arrest Report**

The arrest report for § 87(2)(b) indicated that he was found inside of § 87(2)(b) without permission or authority to be there. A controlled substance was found on him during the search incident to a lawful arrest (encl. 7C – 7D).

**Criminal Court Complaint**

The criminal court complaint (encl. 7E – 7F) for § 87(2)(b)'s arrest indicated that the officers found him inside of a No Trespassing Affidavit Building and that when he was asked if he lived there he responded that he did not. When § 87(2)(b) was asked who he was there to visit, he responded that he was visiting someone on the fourth floor. When the officers asked him if they could take him to the fourth floor and have someone vouch for him, § 87(2)(b) indicated that no one would know him. § 87(2)(b) did not provide the name of any tenant or a tenant's apartment number. § 87(2)(b) was also found to be in possession of cocaine.

**CCRB Testimony**

Detective Jose Vargas was interviewed at the CCRB on May 11, 2011 (encl. 7G – 7H). On February 12, 2011, Detective Vargas and Sergeant Edwards went to § 87(2)(b) to investigate the building, which is a narcotics prone location and is under the clean halls program. Detective Vargas and Sergeant Edwards entered the building and saw § 87(2)(b) standing in the lobby. They had not seen § 87(2)(b) prior to entering the building and he was alone in the lobby. Detective Vargas approached § 87(2)(b) who he said looked "suspicious," although he could not articulate why he looked suspicious.

Detective Vargas asked him if he lived in the building and § 87(2)(b) replied that he did not. Detective Vargas asked him what he was doing there and § 87(2)(b) replied that he was visiting someone on the fourth floor. Detective Vargas asked § 87(2)(b) if someone could vouch for him if he took him upstairs and § 87(2)(b) replied no. Detective Vargas then asked § 87(2)(b) why he was in the building if he did not know anyone. § 87(2)(e), § 87(2)(f)

Detective Vargas indicated that § 87(2)(b) was very talkative and it seemed like he “wasn’t all there.” Detective Vargas asked § 87(2)(b) again if he knew anybody in the building and § 87(2)(b) replied that he did not. Detective Vargas placed him under arrest for § 87(2)(b) § 87(2)(b) was not placed against anything to be handcuffed.

After § 87(2)(b) was placed in handcuffs, Detective Vargas conducted a search incident to a lawful arrest and recovered cocaine. Detective § 87(2)(b) did not recall § 87(2)(b) having any razor blades. § 87(2)(b) continued to be talkative, spouting a lot of police jargon and saying things as though he were an EDP. § 87(2)(b) was not combative and was just very talkative. Detective Vargas indicated that Detective Wan and Detective Venero were there as well and had entered the building a few seconds after they had. Detective Vargas could not recall if any other officers were there. Detective Rodriguez, who goes by the name of A-Rod, was not there and does not work with their team. Detective Wan and Detective Venero escorted § 87(2)(b) to the police van. There were no issues getting him into the police van. Detective Vargas did not recall seeing § 87(2)(b) at the precinct.

No officer pushed § 87(2)(b) against a wall. Sergeant Edwards never told § 87(2)(b) that he was a sick son of a bitch or told him to shut the fuck up. Sergeant Edwards never hit him with a radio in his face or called him a nigger. Sergeant Edwards never used any profanity at any point in time. No officer held up § 87(2)(b) while another officer punched him in his stomach. No officer told § 87(2)(b) to shut the fuck up. § 87(2)(b) was never pushed into the prisoner van.

**Subject Officer: DETECTIVE JOHN LINDSEY**

- *He is a black male who was § 87(2)(b) old at the time of the incident. He is 5’4” tall, weighs 210 pounds and has black hair and brown eyes.*
- *He is assigned to Narcotics Borough Bronx. On February 12, 2011, he worked, in plainclothes, from 9:27 a.m. until 10:00 p.m. He was assigned to narcotics enforcement in an unmarked vehicle.*

**Memo Book**

Detective Lindsey had no memo book entries regarding the incident (encl. 11A – 11B).

**CCRB Testimony**

Detective John Lindsey was interviewed at the CCRB on June 3, 2011 (encl. 11C – 11D). When Detective Lindsey responded to § 87(2)(b) § 87(2)(b) was already in handcuffs. He recalled Sergeant Edwards and Detective Vargas were at the scene when he arrived. They were with other members of the field team but he could not recall their identities. Detective Lindsey did not recall how the individual was placed in the prisoner van.

Sergeant Edwards and another officer never pushed § 87(2)(b) into a wall. Sergeant Edwards never called him a “sick son of a bitch,” told him to shut the “fuck” up or called him a “nigger.” Sergeant Edwards never hit him with his radio. No officer ever held him up while another officer punched him in the stomach. No officer ever told him to shut the fuck up. Detective Lindsey did not go to the precinct after the arrest. He did not know of any officer who goes by the name of “A-rod.”

**Witness Officer: PO ADRIANO CONTRERAS**

- *He is a Hispanic male who was § 87(2)(b) old at the time of the incident. He is 5'11" tall, weighs 225 pounds, is bald and has brown hair.*
- *He is assigned to the Bronx Borough Narcotics unit. On February 12, 2011, he worked, in plainclothes, with Sergeant Edwards and Detective Vargas in an unmarked vehicle.*

**Memo Book**

PO Contreras did not have his memo book at the time of the interview. Although he indicated that he would fax it to the undersigned investigator, he has yet to do so.

**CCRB Testimony**

PO Adriano Contreras was interviewed at the CCRB on May 25, 2011 (encl. 9A – 9B). On February 12, 2011, PO Contreras, Sergeant Edwards and Detective Vargas parked their vehicle with the intention of going into § 87(2)(b) to investigate narcotics activity. As they exited their vehicle they saw § 87(2)(b) standing and looking around before entering the building. PO Contreras indicated that he could not see how § 87(2)(b) entered the building because his view of the door to the building was obstructed. PO Contreras, Sergeant Edwards and Detective Vargas then entered the building but did not see § 87(2)(b) inside.

A minute or two after they entered the building they saw § 87(2)(b) come down one of the staircases into the lobby on his way out of the building. § 87(2)(b) was fussing with his pockets but PO Contreras could not tell what he was doing. PO Contreras could not recall who first engaged § 87(2)(b) in conversation or who decided to stop him. When PO Contreras was asked what crime he suspected him of at that point, PO Contreras responded, “probably trespass.” He indicated that he suspected him of that because it is a drug prone location and people enter the building to purchase narcotics. The officers asked him what he was doing in the building but § 87(2)(b) would not tell them what apartment he came from or the name of the person he was visiting. § 87(2)(b) was a little apprehensive. § 87(2)(b) was physically compliant with the officers but was “loose with his mouth” and was using profanity. § 87(2)(b) was arrested for trespassing. Detective Vargas then searched him and uncovered cocaine. The prisoner van was called to the building and § 87(2)(b) was placed inside. The officers who responded did not enter the building.

Sergeant Edwards and another officer never pushed him against a wall. Sergeant Edwards never called § 87(2)(b) a “sick son of a bitch” or a “nigger.” PO Contreras did not recall any razor blades being found on § 87(2)(b). Sergeant Edwards never used profanity against § 87(2)(b) and never hit him with his radio. No officers ever told § 87(2)(b) to shut the fuck up or used any profanity. No officer held up § 87(2)(b) while another officer punched him in the stomach. § 87(2)(b) was never pushed into the prisoner van. PO Contreras did not see § 87(2)(b) at the precinct.

**Witness Officer: DETECTIVE GEORGE WAN**

- *He is an Asian male who as § 87(2)(b) old at the time of the incident. He is 5'9" tall, weighs 200 pounds and has black hair and brown eyes.*
- *He is assigned to Narcotics Borough Bronx. On February 12, 2011, he worked, in plainclothes, from 10:00 a.m. until 6:00 p.m. He was assigned to the prisoner van with Detective Tanya Venero in an unmarked grey cage van.*

### **Memo Book**

Detective Wan had no memo book entries regarding the incident (encl. 8A – 8B).

### **CCRB Testimony**

Detective George Wan was interviewed at the CCRB on May 12, 2011 (encl. 8C – 8D). On February 12, 2011, Detective Wan received a transmission via point-to-point radio to go to § 87(2)(b) to pick up a prisoner. Detective Wan and Detective Venero responded to the scene and saw Detective Vargas, Sergeant Edwards and the perp, § 87(2)(b), § 87(2)(b) who had been arrested for § 87(2)(b), was already in handcuffs. No other officers responded to the scene. Detective Wan did not see § 87(2)(b) searched. § 87(2)(b) was saying that he was innocent and was asking why he was arrested. § 87(2)(e), § 87(2)(f). Detective Wan placed § 87(2)(b) into the prisoner van and brought him to the precinct. § 87(2)(b)'s demeanor at the precinct was the same.

Detective Wan does not know any officer by the name of A-Rod and there are no A-Rod's on his team. Sergeant Edwards never used profanity against § 87(2)(b) or called him a "nigger." Neither Detective Wan nor any other officer ever used discourteous language against § 87(2)(b). There were no issues getting § 87(2)(b) into the prisoner van and he was not pushed into the van. § 87(2)(b) was never pushed against a wall and Sergeant Edwards never hit him in the face with a radio.

#### **Witness Officer: DETECTIVE ANDREW RODRIGUEZ**

- *He is a Hispanic male who was § 87(2)(b) old at the time of the incident. He is 6' tall, weighs 200 pounds and is bald and has brown eyes.*
- *He is assigned to Bronx Narcotics. On February 12, 2011, he worked, in plainclothes, from 2:37 p.m. until 2:10 a.m. the next day. He was assigned to the prisoner van with Detective Connell for the 42<sup>nd</sup> PCT module team.*

### **Memo Book**

Detective Rodriguez had no memo book entries regarding the incident (encl. 6A – 6B).

### **CCRB Testimony**

Detective Andrew Rodriguez was interviewed at the CCRB on April 28, 2011 (encl. 6C – 6D). Detective Rodriguez indicated that he was not present for the incident. He was a part of the 42<sup>nd</sup> PCT module and only conducted enforcement in the 42<sup>nd</sup> PCT and not in the 47<sup>th</sup> PCT.

#### **Witness Officer: DETECTIVE KENNETH TUCKER**

- *He is a black male who was § 87(2)(b) old at the time of the incident. He is 5'6" tall, weighs 285 pounds and is bald and has brown eyes.*
- *He is assigned to Narcotics Borough Bronx. On February 12, 2011, he worked, in plainclothes, from 10:00 a.m. until 6:00 p.m. He was assigned to the chase car with PO Contreras in an unmarked vehicle.*



### **Memo Book**

At 3:25 p.m. an arrest was made at § 87(2)(b) (encl. 10A – 10B).

### **CCRB Testimony**

Detective Kenneth Tucker was interviewed at the CCRB on June 3, 2011 (encl. 10C – 10D). Detective Tucker could not recall the incident.

### **NYPD Document(s)**

#### **Command Log**

The 47<sup>th</sup> Precinct Command Log (encl. 13A – 13C) indicated that § 87(2)(b) arrived at the stationhouse at 4:20 p.m. He was arrested for § 87(2)(b). His condition was listed as apparently normal. He was strip searched by Detective Wan.

### **Arrest for Incident and Disposition**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of June 8, 2011 with regard to the incident (encl. 19D).

### **Civilian(s) Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilian(s) CCRB History**

- § 87(2)(b) has filed the following CCRB complaints (encl. 2D):

- § 87(2)(b)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Subject Officer(s) CCRB History**

- Sergeant Edwards has been a member of the service for seven years and there is one substantiated CCRB allegation against him (encl. 2A).
  - In CCRB case 201002757, an allegation of strip-search was substantiated against Sergeant Edwards. The NYPD has not made a disposition regarding this charge.
- Detective Vargas has been a member of the service for twelve years and there are no substantiated CCRB allegations against him (encl. 2C).
- Detective Lindsey has been a member of the service for thirteen years and there are no substantiated CCRB allegations against him (encl. 2B).

### **Conclusion**

### **Identification of Subject Officer(s)**

- Sergeant Edwards acknowledged interacting with § 87(2)(b)
- Detective Vargas acknowledged interacting with § 87(2)(b)
- Detective Lindsey acknowledged interacting with § 87(2)(b)

### **Investigative Findings and Recommendations**

### **Allegations Not Pled**

The officers indicated that they searched § 87(2)(b) after determining that they were arresting him for § 87(2)(b) § 87(2)(g)

### **Allegation A – Abuse of Authority: Sergeant Aaron Edwards supervised the questioning of § 87(2)(b) at § 87(2)(b) in the Bronx.**

Sergeant Edwards indicated that he and Detective Vargas were parked at the corner when they saw § 87(2)(b) acting suspiciously in front of § 87(2)(b) by pacing up and down the block and looking at people going in and out of the building and at cars driving by. After a minute or two of observation, Sergeant Edwards drove towards the building and § 87(2)(b) made eye contact with them and walked quickly into the building, entering without any problems. This caused Sergeant Edwards to suspect him of trespassing. PO Contreras indicated that they saw § 87(2)(b) outside of the building as they were exiting their vehicle. § 87(2)(b) was standing and looking around before entering the building. The officers then entered the building and one to two minutes later § 87(2)(b) was spotted coming down the staircase on his way out of the building and he was stopped in the lobby. Detective Vargas denied that they had seen § 87(2)(b) outside of the building and that when they entered the building he was standing in the lobby and they approached him to see if he lived there. Detective Vargas labeled him suspicious, although he could not articulate why he looked suspicious.

A person's mere presence in a non-trespass building is insufficient for an officer to approach and request information from an individual. Additional factors are necessary before an officer may have an "objective, credible reason" to request information from an individual. Additional factors include length of observation, objects carried, individual's responses, glances and nervous behavior. People v. David Holland, New York Law Journal, Vol. 217, No. 84 (1997) (encl. 1A – 1D).

§ 87(2)(g)

§ 87(2)(g)

**Allegation B – Discourtesy: Sergeant Aaron Edwards spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.**

**Allegation C – Force: Sergeant Aaron Edwards struck § 87(2)(b) with a radio at § 87(2)(b) in the Bronx.**

**Allegation D – Offensive Language: Sergeant Aaron Edwards made remarks to § 87(2)(b) based upon race at § 87(2)(b) in the Bronx.**

**Allegation E – Force: Detective John Lindsey used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.**

**Allegation F – Force: Detective Jose Vargas used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.**

**Allegation G – Discourtesy: Detective John Lindsey spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.**

§ 87(2)(b) alleged that Sergeant Edwards used discourteous and offensive language against him throughout the incident and struck him in the face with a radio. He also alleged that Detective Vargas held him up while Detective Lindsey punched him in the stomach and that Detective Lindsey also used discourteous language against him. He also alleged that Detective Vargas pushed him into the prisoner van.

§ 87(2)(g)

**Allegation H – Discourtesy: Detective Tanya Venero spoke obscenely to § 87(2)(b) en route to the 47th Precinct Stationhouse and at the 47th Precinct Stationhouse.**

§ 87(2)(g) Detective Venero is on terminal leave, § 87(2)(g)

Team: \_\_\_\_\_

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Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date